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SEAGATE TECHNOLOGY LLC

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

14 IN RE SEAGATE TECHNOLOGY LLC
LITIGATION

15 CONSOLIDATED ACTION

Case No. 5:16-cv-00523-RMW

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING:**

- 17 **(1) THE FILING OF A CONSOLIDATED
SECOND AMENDED COMPLAINT;**
18 **(2) TIME FOR DEFENDANT TO
RESPOND; AND**
19 **(3) HEARING AND BRIEFING
20 SCHEDULE FOR MOTION TO DISMISS
21 CONSOLIDATED SECOND AMENDED
22 COMPLAINT**

23 This Joint Stipulation is made by and between plaintiffs Adam Ginsberg, Dudley Lane
24 Dortch IV, Dennis Crawford, David Schechner, Joshua Enders, Chadwick Hauff, James Hagey,
25 John Smith, Nikolas Manak (collectively the “Ginsberg Plaintiffs”), and Christopher Nelson
26 (“Nelson”) and Seagate Technology LLC (“Seagate”), by and through their respective undersigned
27 counsel of record, with reference to the following facts:
28

RECITALS

1. WHEREAS, the Ginsberg Plaintiffs filed an Amended Complaint on May 4, 2016;
2. WHEREAS, Nelson filed an Amended Complaint on May 4, 2016;
3. WHEREAS, the Court ordered the Nelson and Ginsberg actions consolidated on May 6, 2016;
4. WHEREAS, the Ginsberg Plaintiffs and Nelson (collectively “Plaintiffs”) filed a Consolidated Amended Complaint on May 9, 2016;
5. WHEREAS, Seagate has agreed to stipulate to the filing of a Consolidated Second Amended Complaint;
6. WHEREAS, Plaintiffs have agreed to file their Consolidated Second Amended Complaint on or before July 11, 2016;
7. WHEREAS, Plaintiffs have agreed to limit any amendments contained in the Consolidated Second Amended Complaint to: (1) amendments regarding notice provisions of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1770 *et seq.*; the Texas Deceptive Trade Practices—Consumer Protection Act, Tex. Bus. & Comm. Code § 71.46, *et seq.*; and Massachusetts General Law chapter 93A, and (2) a limited amendment to paragraph 265 of the Consolidated Amended Complaint to add allegations regarding an alleged South Dakota subclass; and Plaintiffs have specifically agreed that they will not at this time amend the Consolidated Amended Complaint to add further named plaintiffs or claims or additional facts supporting any existing claims other than as set forth above;
8. WHEREAS, Plaintiffs have agreed that Seagate’s responsive pleading to the Consolidated Second Amended Complaint shall be due on or before August 5, 2016, and that no separate responsive pleading to the Consolidated Amended Complaint will be required;
9. WHEREAS, Seagate intends to move to dismiss the Consolidated Second Amended Complaint;
10. WHEREAS, pursuant to the Standing Order Regarding Case Management in Civil Cases for the United States District Court for the Northern District of California (“Standing

Order”), counsel for the parties conferred regarding a hearing date on Seagate’s motion to dismiss the Consolidated Second Amended Complaint;

5. WHEREAS, pursuant to the instructions in the Standing Order regarding scheduling hearings before Judge Whyte, the parties stipulated to a hearing date of October 7, 2016, at 9:00 a.m.;

6. WHEREAS, the parties have agreed, subject to the Court’s approval, that Plaintiffs’ opposition to Seagate’s motion to dismiss will be due on or before September 2, 2016; and

7. WHEREAS, the parties have agreed, subject to the Court’s approval, that Seagate’s reply will be due on or before September 23, 2016.

STIPULATION

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES pursuant to Local Rule 6-1(a) that Seagate’s time to respond to the Consolidated Amended Complaint and, when filed, the Consolidated Second Amended Complaint, shall be August 5, 2016.

IT IS HEREBY FURTHER STIPULATED AND AGREED BY AND BETWEEN THE PARTIES that, subject to the Court's approval, the following briefing schedule shall apply to a motion to dismiss directed to the Second Amended Consolidated Complaint:

Motion: August 5, 2016.

Opposition: September 2, 2016.

Reply: September 23, 2016.

Hearing: October 7, 2016 at 9:00 a.m.

1 Dated: June 8, 2016

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

2
3 By /s/ Anna S. McLean
ANNA S. McLEAN

4 Attorneys for Defendant
5 SEAGATE TECHNOLOGY LLC

6 I, Anna McLean, whose user ID and password are used to efile this document, hereby attests that,
7 pursuant to Local Rule 5.1(i)(3), concurrence in this filing was obtained from each of the other
8 Signatories, in lieu of each's signature.

9 Dated: June 8, 2016

HAGENS BERMAN SOBOL SHAPIRO LLP

10
11 By /s/Steve W. Berman
STEVE W. BERMAN

12 Attorneys for Plaintiffs and Proposed Class

13
14 Dated: June 8, 2016

AXLER GOLDICH LLC

15
16 By /s/ Marc A. Goldich
MARC A. GOLDICH (*Pro Hac Vice*)

17 Attorneys for Plaintiffs and Proposed Class

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20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21
22 Dated: 6/9/2016



23 The Honorable Ronald M. Whyte
24 United States Senior District Judge